



Alliance of the Ports of Canada, the Caribbean, Latin America and the United States

**AMERICAN ASSOCIATION OF PORT AUTHORITIES**

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**Testimony of Kurt J. Nagle**

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**Before the**

**House Committee on Transportation and Infrastructure,  
Subcommittee on Coast Guard and Maritime Transportation**

**and the**

**House Committee on Resources,  
Subcommittee on Fisheries and Oceans**

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Good morning. I am Kurt Nagle, President and CEO for the American Association of Port Authorities (AAPA). I thank you for inviting us to testify before your Subcommittees on S. 362, the Marine Debris Research, Prevention and Reduction Act. AAPA is an alliance of the leading public port authorities in the Western Hemisphere, and my testimony today reflects the views of our U.S. members.

U.S. public port authorities are extremely conscious of the impact their operations may have on nearby communities and are voluntarily improving their environmental stewardship on an ongoing basis. For nearly two decades, public ports and terminals have been proactive in the policy and management of shipboard MARPOL Annex V-regulated waste and garbage. Public port representatives were involved with the National Research Council's Committee on Shipboard Wastes, Marine Board, Commission on Engineering and Technical Systems in

preparing the publication “Clean Ships Clean Ports Clean Oceans,” which was published in 1995 by the National Academies Press.

More recently, AAPA has been a participant in the U.S. EPA’s Sector Strategies Program, which seeks industry-wide environmental gains through innovative actions taken with a number of manufacturing and service sectors. This partnership has resulted in many ports creating and implementing environmental management systems and setting objectives and targets for improved environmental performance.

Addressing waste in and around ports is a common focus of port environmental efforts. For example, through the creation of an environmental management system, the Port of Corpus Christi Authority has dramatically increased recycling at its port-operated facilities, including a bulk terminal, five cargo docks, a cold storage facility and a maintenance facility. Another example can be found at the Port of Seattle, which set a goal of “zero discharge” through the development and implementation of Clean and “Green” Best Management Practices at its Shilsole Bay Marina – a facility that includes approximately 1,500 moorage slips and 50,000 square feet of office, retail, restaurant and commercial space.

While many individual ports continue to measure and improve their environmental performance related to waste and other issues, the port industry alone cannot overcome the threat posed to the world’s oceans by marine debris. AAPA supports the goals of the Ocean Commission Report and the President’s Ocean Action Plan to reduce marine debris by working with a number of federal agencies and targeted industries to address the issue.

We are pleased that the President re-established the Interagency Marine Debris Coordinating Committee, as coordination and communication among NOAA, the Coast Guard, EPA and other agencies will be critical to finding a solution to this multi-faceted challenge.

We also support the intent of S. 362 in directing a number of federal agencies to undertake specific measures to reduce marine debris. Section 4 of this legislation requires the Coast Guard to undertake a program that seeks higher compliance with MARPOL Annex V and the Act to

Prevent Pollution from Ships. While AAPA supports these goals, we are concerned that this legislation may ultimately result in new regulatory requirements on public port authorities that do not increase higher compliance rates. Specifically, we are concerned that this legislation may force U.S. public port authorities to be directly responsible for waste disposal arrangements that are currently generally made between ship owners or operators and waste disposal contractors or haulers. We are also concerned that this legislation may force public port authorities to begin the cumbersome and time-consuming process of keeping records related to shipboard waste disposal.

While some port authorities provide receptacles for MARPOL Annex V-regulated plastics and disposal facilities for shipboard waste, port authorities typically comply with the section of the Annex that requires “port reception facilities” by providing vessel owners or operators with a list of approved, local waste handlers that are available for hire. Vessel owners or operators then contract with these handlers independently, and the port is not involved in the arrangements that are made between the two parties. This practice has proved sufficient for the Coast Guard in issuing Certificates of Adequacy to both port authorities and vessels related to plastics disposal at U.S. ports.

AAPA is concerned that S. 362 implies the Coast Guard should re-evaluate whether port authorities can only comply with MARPOL Annex V by physically providing reception facilities, such as dumpsters. The Coast Guard already issues and periodically reviews Certificates of Adequacy for both public and private terminal operators, and our members have not reported any significant issues with obtaining or maintaining these certificates.

While AAPA supports the intent of S. 362 in identifying and closing gaps in compliance, we feel that the Coast Guard should not focus solely on the “quantity” of reception facilities at ports but also consider the availability of for-hire waste disposal services – a practice that has proved effective and efficient in disposing of regulated waste at U.S. ports.

Finally, AAPA does not support efforts to force public port authorities to maintain logs related to vessel waste disposal. MARPOL Annex V requires that port reception facilities be available for waste disposal, but record-keeping requirements have been the responsibility of the vessel owner

or operator. In the arrangements that already exist between vessels owners or operators and private waste contractors, the waste contractors generally provide a manifest of any waste that is picked up. AAPA feels that these existing records are sufficient for vessel owners or operators to demonstrate compliance to the Coast Guard and that port authorities do not need to maintain separate, duplicative records.

Again, thank you for the opportunity to testify today. Our member public port authorities look forward to working with you to reduce marine debris and improve the health of the world's oceans. I look forward to answering any questions you may have.